



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/863,047	05/23/1997	FUMIAKI ITO	35.C12088	4264
5514 7590 01/28/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER COLBERT, ELLA	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

08/863,047

Applicant(s)

ITO ET AL.

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9,10,12,13,15-46,63, 65 and 67-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9,10,12,13,15-46,63,65 and 67-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3, 4, 9, 10, 12, 13, 15-46, 63, 65, and 67-70 are pending in the communication filed 10/19/07 entered as Response After Non-Final Action and Request for Extension of Time. The IDS filed 3/19/07 has been considered and entered.
2. The Ex parte Quayle is hereby withdrawn due to an allowability conference held 1/04/08.

Claim Objections

3. Claims 3, 4, 10, 13, 15-46, 63, 65, and 67-70 are objected to because of the following informalities:

Claims 3, 4, and 17-25 recite "a document processing system". The preamble of these claims should recite "The document processing system". Claims 10, 15, 27, and 28 recite "a document processing method ..." and "a method". These claims should recite "the document processing method". Claims 13, 29-34, 43-46, 67, and 70 recite "a storage medium". These claims should recite "the computer readable storage medium". Claims 35-38 and 63 recite "a system". These claims should recite "the document processing system". The first claim which is the independent claim of a group of claims can begin with the article "A" and every claim that depends on that group of claims there after should begin with "The". Applicants' are respectfully requested to review the claims of the reference used in the rejection of the claims here below. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3694

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 3, 4, 9, 12, 15, 16, 19, 25, 31, 36, 37, 39- 45, 63, 65, 67, and 68-70 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear for the Specification and drawings that the searcher is a device. The specification recites on page 7 lines 1-6 "represents a folder searcher for searching folders retained in the folder/document retainer 101 ...". Reference numeral 109 represents a search result ... the folder searched by the folder searcher 108". "Search device " is a very broad term and can read on a "search template" or any other device that is capable of searching such as described in non-patent reference "Navigational Utilities: finding your way through the maze (includes directory) (product watch) (buyers guide) by Waltz, Mitze; MacWeek, v. 6, n.29; August 10, 1992; page 1, para. 3-page 2, para 10 and para. 13 – page 3, para. 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3694

7. Claim 1, 3, 4, 9, 10, 12, 13, 15-46, 63, 65, and 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,418,946) Mori in view of Non-Patent reference Waltz, Mitzi, hereafter Waltz.

Claims 1, 9, and 12. Mori discloses, A document processing system comprising: folder retainer means for retaining a plurality of folders, each of the folders storing at least one document (col. 4, lines 7-25); new document retainer means for retaining a new document (col. 4, lines 26-40); a folder search device for searching the plurality of folders to identify at least one candidate folder from the plurality of folders suitable for storing the new document, by comparing a feature of the new document with an average of features of the documents stored in at least one candidate folder among the plurality of folders, wherein the at least one candidate folder has documents more similar to the new document than other documents in the plurality of folders (col. 4, line 41-col. 5, line 20); and controlling means for controlling to store the new document into a selected folder selected by a user from the plurality of folders searched by said folder search device (col. 6, lines 25-47 and col. 9, lines 30-62). Mori did not expressly disclose a search device. However, a search device is well known in the art of searching for documents as discussed in Waltz.

Claim 3. Mori discloses, A document processing system according to claim 1, wherein a plurality of candidate folders suitable for saving the new document are searched and a list of a plurality of searched candidate folders is displayed (col. 7, line 31-col. 9, line 24).

Claims 4, 10, and 13. Mori discloses, A document processing system according to

Art Unit: 3694

claim 1, wherein prior to the searching of a plurality of folders, said folder search device judging a similarity degree representing a similarity between a feature of the new document and an average of features of the plurality of documents stored in each folder (col. 9, lines 30-62) so that the judged similarity degree is used when a feature of the new document is compared with an average of features of the plurality of documents (col. 9, lines 47-62).

Claims 15 and 16. Mori discloses, A method according to claim 9, wherein a plurality of candidate folders suitable for saving the new document are searched and a list of a plurality of searched candidate folders is displayed (col. 9, lines 11-24).

Claims 17, 23, and 29. Mori discloses, A system according to claim 1, further comprising means for updating the feature of the folder in response to saving of the new document in the candidate folder (col. 9, lines 30-46).

Claims 18, 24, and 30. Mori discloses, A system according to claim 1, wherein the document includes vector data (col. 7, line 67-col. 9, line 4) .

Claims 19, 25, and 31. Mori discloses, A system according to claim 1, wherein the candidate folder has a high-level rank as determined by the result of the search by said folder searcher (Fig. 6 (601)).

Claims 20, 26, 32, 37, and 41. Mori discloses, A system according to claim 68, wherein said notifying means displays a label which is set in advance to indicate the candidate folder (Fig. 6 (601)).

Claims 21, 27, 33, 38, 42, and 46. Mori discloses, A system according to claim 1, wherein the document includes text data (Fig. 6 (606)).

Art Unit: 3694

Claims 22, 28, and 34. Mori discloses, A system according to claim 1, further comprising means for causing the selected candidate folder to save the new document (Fig's 9 and 12)).

Claims 35 and 43. Mori discloses, A system according to claim 4, further comprising notifying means for notifying a user of the at least one candidate folder by said folder searcher wherein said notifying means provides notification only of a predetermined number of folders which have a high rank of similarity order (Fig. 6- shows a predetermined number of folders with a high rank of similarity order).

Claims 36 and 44. Mori discloses, A system according to claim 4, further comprising notifying means for notifying a user of the at least one candidate folder by said folder searcher wherein the document is stored in at least one folder mentioned in the notification provided by said notifying means (col. 9, line 66-col. 10, line 30).

Claims 37 and 41. Mori discloses, A system according to claim 4, further comprising notifying means for notifying a user of the at least one candidate folder by said folder searcher wherein said notifying means displays a label set in advance to the selected folder (Fig's 6-9 and 12-19 shows a label that can be set in advance to the selected folder).

Claims 63, 65, and 67. Mori discloses, A system according to claim 68, wherein said notifying means notifies of only the plurality of candidate folders searched by said folder searcher means to a user (col. 6, lines 13-34).

Claims 68,-70. Mori discloses, A storage medium according to claim 1, further

Art Unit: 3694

comprising notifying means for notifying a user of the at least one candidate folder by said folder searcher (col. 7, lines 16-64).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams (US 5,162,992) discloses vector relational characteristic objects.

Inquiries


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 22, 2008


ELLA COLBERT
PRIMARY EXAMINER